

AMENDED IN ASSEMBLY JULY 2, 2008

AMENDED IN SENATE MAY 23, 2008

AMENDED IN SENATE APRIL 9, 2008

SENATE BILL

No. 1298

Introduced by Senators Simitian and Steinberg
(Coauthor: Assembly Member Brownley)

February 20, 2008

An act to add Chapter 8 (commencing with Section 10800) to Part 7 of Division 1 of Title 1 of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Simitian. California education information.

Under existing law, the State Department of Education maintains the California Education Information System for the purposes of establishing and maintaining a basic, integrated, statewide information system for education. *Existing law also establishes the California Longitudinal Pupil Achievement Data System.*

~~This bill would establish the Statewide Education Data Governing Board, to be composed of 19 members, as specified. The board would have the authority to establish a state education data repository and to integrate data from other state, federal, and local agencies with existing education data. The board would be required to adopt regulations to implement its authority to grant or deny access to the state education data repository. The bill would require the board to oversee the creation of a longitudinal education information system to link specified data, and would require the board, by January 1, 2010, as its first goal, to develop a strategic plan and feasibility study report for connecting longitudinal records from prekindergarten through higher education~~

~~and into the workforce. The bill would require the board to perform various duties relating to the collection and preservation of education data and systems require the department to establish a process by which local educational agencies issue, maintain, and report information for child development and education programs using the unique pupil identifiers established pursuant to the California Longitudinal Pupil Achievement Data System. The bill would require the Legislative Analyst's Office to convene a staff working group to, among other things, make recommendations relating to the governance of education data, and to report the recommendations of the working group to the Legislature by June 1, 2009. The bill would require the State Chief Information Officer to convene a group to create a strategic plan that, among other things, provides an overall structural design for the education data system, and to deliver the strategic plan to the Legislature and the Governor on or before September 1, 2009. The bill also would require the State Chief Information Officer to complete a feasibility study report by January 1, 2010.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 8 (commencing with Section 10800) is
2 added to Part 7 of Division 1 of Title 1 of the Education Code, to
3 read:

4
5 CHAPTER 8. EDUCATION DATA AND INFORMATION ACT OF 2008
6

7 10800. This chapter shall be known and may be cited as the
8 Education Data and Information Act of 2008.

9 ~~10801. The Legislature finds and declares all of the following:~~

10 ~~(a) Several recent attempts to assiduously analyze and improve~~
11 ~~the state of education in California, such as the "Getting Down to~~
12 ~~Facts," "Closing the Achievement Gap," and "Students First"~~
13 ~~reports, have concluded that the dearth of high-quality,~~
14 ~~comprehensive, and longitudinal education data is significantly~~
15 ~~impeding our capacity to assess, and therefore improve, education~~
16 ~~policy and investment decisions.~~

17 ~~(b) We suffer significant information scarcity in areas where~~
18 ~~more and better data could help us address challenges such as the~~

1 achievement gap, the high school dropout problem, and workforce
2 and college preparation.

3 (e) ~~In addition to addressing these targeted policy problems,~~
4 ~~better education data systems are a necessary precondition for~~
5 ~~continuous learning at the institutional level, which in California,~~
6 ~~where the population is large and diverse, and education delivery~~
7 ~~remains somewhat decentralized, is exceptionally difficult to~~
8 ~~capture and manage.~~

9 (d) ~~While an information system is only the foundation for a~~
10 ~~continuous learning education system, it is an indispensable first~~
11 ~~step, and is vitally important to the greater goal of securing truly~~
12 ~~systemic solutions that couple smart reforms with the resources~~
13 ~~our schools need.~~

14 (e) ~~It is the intent of the Legislature that the design and~~
15 ~~implementation of a high-quality, comprehensive, and longitudinal~~
16 ~~education data system for California will do the following:~~

17 (1) ~~Support a system of continuous learning by delivering timely,~~
18 ~~reliable, user-friendly, and relevant information to school district~~
19 ~~leaders, teachers, policymakers, researchers, parents, pupils, and~~
20 ~~the public at large.~~

21 (2) ~~Provide educators with the tools, reports, and assistance~~
22 ~~needed to inform instruction and learning.~~

23 (3) ~~Integrate education data from disparate sources, beginning~~
24 ~~with our kindergarten and grades 1 to 12, inclusive, and higher~~
25 ~~education systems, and add information from our prekindergarten~~
26 ~~education systems when data is available.~~

27 (4) ~~Anticipate and provide the technological capacity for the~~
28 ~~integration of noneducation data from other state sources such as~~
29 ~~health, welfare, juvenile justice, corrections, and employment, the~~
30 ~~analysis of which may be necessary to fully understand critical~~
31 ~~education policy and education finance questions.~~

32 (5) ~~Remain flexible, adjusting to changing demands over time,~~
33 ~~and respond to evolving uses and needs.~~

34 (6) ~~Include adequate support and funding.~~

35 (f) ~~It is further the intent of the Legislature to ensure that the~~
36 ~~following priorities will be addressed:~~

37 (1) ~~A formal governance and oversight structure that seamlessly~~
38 ~~connects disparate sources of information while ensuring~~
39 ~~accessibility, information security, and individual privacy.~~

~~(2) A system that treats personally identifiable information as confidential, and meets all requirements pertaining to confidentiality and restricted release without creating unnecessary barriers.~~

~~10802. (a) There is hereby created in the state government the Statewide Education Data Governing Board.~~

~~(b) The board shall be composed of 19 members as follows:~~

~~(1) The Governor shall appoint 10 members, one of whom shall be the State Chief Information Officer.~~

~~(2) The Speaker of the Assembly shall appoint four members.~~

~~(3) The Senate Committee on Rules shall appoint four members.~~

~~(4) The Superintendent shall be a member of the board.~~

~~(c) Appointing authorities shall work together to ensure that the appointments reflect a broad representation of education data stakeholders.~~

~~(d) The Governor shall designate the State Chief Information Officer or another member to serve as chairperson for a two-year term. No member, other than the State Chief Information Officer, may serve more than two, two-year terms as chairperson. All appointments shall be for four-year terms. No member shall serve more than two, four-year terms.~~

~~10803. As used in this chapter, the following definitions apply:~~

~~(a) "Board" means the Statewide Education Data Governing Board.~~

~~(b) "Education data" means pupil-level information from early education through higher education; information on staff, facilities, and expenditures; and program information for special education, career and technical education, and adult education.~~

~~10804. (a) The board shall meet at least once every two months, or more often, if necessary, to fulfill its duties, and shall not convene on days that conflict with regularly scheduled meetings of the State Board of Education.~~

~~(b) Meetings of the board are subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).~~

~~10805. The board has the following powers:~~

~~(a) Authority to establish a state education data repository as the functional entity necessary to carry out the duties and responsibilities of the board.~~

1 ~~(b) Authority to expend funds, hire staff, enter into contracts,~~
2 ~~sue and be sued, and issue regulations in furtherance of its duties.~~

3 ~~(c) Authority to grant or deny access to the state education data~~
4 ~~repository. The board shall adopt regulations for purposes of~~
5 ~~implementing the authority conferred upon it by this subdivision.~~

6 ~~(d) Although local educational agencies shall have unfettered~~
7 ~~access to their own data housed in a state education data repository,~~
8 ~~the board has the authority to identify and authorize the names or~~
9 ~~positions of local educational agency personnel who may have~~
10 ~~access to education data from other local educational agencies for~~
11 ~~specified purposes and in accordance with the board's security~~
12 ~~protocols, such as a guidance counselor who needs a pupil's~~
13 ~~academic record in order to facilitate a pupil transfer.~~

14 ~~(e) Authority to request information or data sets from other~~
15 ~~state, federal, and local agencies, and to integrate that data with~~
16 ~~the existing education data, as specified and limited by state law.~~

17 ~~10806. The board has the following duties and responsibilities,~~
18 ~~with the board's primary emphasis being placed on creating a~~
19 ~~system and processes to improve policy decisions and provide the~~
20 ~~state, school districts, schools, and teachers with the information~~
21 ~~and analysis they need to improve instruction and learning at their~~
22 ~~respective points within the state education system:~~

23 ~~(a) Oversee the creation of a high-quality, comprehensive, and~~
24 ~~longitudinal education information system capable of linking~~
25 ~~pupil-level data from early education through higher education~~
26 ~~that can link pupil-level data with noneducation data sets as~~
27 ~~provided by state law.~~

28 ~~(1) By January 1, 2010, the board shall develop a strategic plan~~
29 ~~and feasibility study report for connecting longitudinal records~~
30 ~~from prekindergarten through higher education and into the~~
31 ~~workforce.~~

32 ~~(2) To ensure access to appropriate services and to be able to~~
33 ~~better serve individual pupils, it is the intent of the Legislature that~~
34 ~~school districts, schools, and teachers have immediate access to~~
35 ~~longitudinal records for the pupils they serve.~~

36 ~~(3) It is the intent of the Legislature that the board consult~~
37 ~~regularly with teachers to obtain direct input on the information~~
38 ~~and format teachers need from education data systems.~~

39 ~~(b) Ensure that California's state education data systems provide~~
40 ~~relevant and timely information about the performance of the~~

- 1 state's public schools and the efficacy of the education provided
2 to California pupils by doing at least the following:
- 3 (1) ~~Periodic review of data items collected and opportunity for~~
4 ~~public input about revision of items collected.~~
- 5 (2) ~~Provide electronic public access to periodic data reports on~~
6 ~~issues of concern to the public, including, but not limited to, pupil~~
7 ~~achievement and graduation rates.~~
- 8 (3) ~~Develop recommendations for reports that may be useful to~~
9 ~~local educational agencies.~~
- 10 (e) ~~Protect the privacy and security of information about~~
11 ~~California residents that is included in state education data systems~~
12 ~~by doing at least the following:~~
- 13 (1) ~~Establish and periodically review the administrative and~~
14 ~~technological procedures necessary to protect education data and~~
15 ~~data systems from breach or misuse.~~
- 16 (2) ~~Develop privacy and security guidelines for local educational~~
17 ~~agencies to follow in the collection, management, and use of~~
18 ~~education data.~~
- 19 (3) ~~Conduct privacy impact assessments when recommending~~
20 ~~the addition or deletion of data or fields in state education data~~
21 ~~systems, or when combining information from education and other~~
22 ~~data systems that is appropriate for the type and sensitivity of data~~
23 ~~requested.~~
- 24 (4) ~~Require researchers who request state education data to~~
25 ~~document the steps they will take to secure the information that is~~
26 ~~appropriate for the type and sensitivity of data requested, both~~
27 ~~during and after the data use life.~~
- 28 (5) ~~Provide an opt-out process to allow prior staff and pupils to~~
29 ~~request that their individual records not be released.~~
- 30 (d) ~~Protect the integrity and ensure the quality of state education~~
31 ~~data by doing at least the following:~~
- 32 (1) ~~Provide counsel and technical assistance to local educational~~
33 ~~agencies on the technological standards and protocols necessary~~
34 ~~for interfacing with state education data systems.~~
- 35 (2) ~~Educate vendors to maximize their ability to provide~~
36 ~~seamless solutions that maximize the value of the state system to~~
37 ~~local schools and school districts.~~
- 38 (3) ~~Provide a clearinghouse for best practices in the use of data~~
39 ~~by local educational agencies.~~

~~(4) Periodically audit data in state education data systems to ensure accuracy.~~

~~(e) Provide information on data requests and research resulting from data accessed to the public, local educational agencies, and state policymakers through routine and specialized reports.~~

~~(f) Ensure transparency and accountability in the board's decisionmaking processes, and include the public in those processes.~~

~~(g) Recommend to state lawmakers common definitions and formats, as well as the addition or removal of data sets or fields from state education data systems.~~

~~(h) Ensure proper functioning and efficacy of state education data systems by recommending necessary statutory, regulatory, and operational changes to the Legislature and the Governor.~~

~~10807. The first goal of the board shall be to conduct activities related to the creation of the strategic plan and feasibility study report pursuant to paragraph (1) of subdivision (a) of Section 10806. Funds for other duties and responsibilities shall be contingent upon completion of the strategic plan and feasibility study report.~~

~~10801. It is the intent of the Legislature that:~~

~~(a) The design and implementation of a high-quality, comprehensive, and longitudinal education data system for California will do the following:~~

~~(1) Support a system of continuous learning by delivering timely, reliable, user-friendly, and relevant information to schoolsite and district leaders, county offices of education, higher education leaders, teachers and faculty, education program providers, policymakers, researchers, parents, pupils, and the public at large.~~

~~(2) Provide educators and parents with the tools, reports, and assistance needed to inform instruction and learning.~~

~~(3) Integrate education data from disparate sources, including prekindergarten, kindergarten, grades 1 to 12, inclusive, and the higher education systems, adding information from prekindergarten education systems when that data is available.~~

~~(4) Anticipate and provide the technological capacity for the integration of noneducation data from other state sources such as health, welfare, juvenile justice, corrections, and employment agencies, the analysis of which is necessary to fully understand critical education policy and education finance questions.~~

1 **(b)** *The State of California will have a longitudinally linked and*
2 *fully operational prekindergarten through higher education data*
3 *system architecture in place by January 1, 2012, including the*
4 *universal use of the statewide pupil identifiers, which is a*
5 *precondition for the system.*

6 10802. **(a)** *The department shall establish a process by which*
7 *local educational agencies issue, maintain, and report information*
8 *using the unique statewide pupil identifiers specified in paragraph*
9 *(3) of subdivision (e) of Section 60900 for state and federally*
10 *funded child development and education programs under their*
11 *purview.*

12 **(b)** *The Chancellor's Office of the California Community*
13 *Colleges, the University of California, and the California State*
14 *University shall maintain the statewide pupil identifiers specified*
15 *in paragraph (3) of subdivision (e) of Section 60900 for purposes*
16 *of connecting the longitudinal records of pupils enrolled in the*
17 *colleges and universities within those systems.*

18 **(c)** *The department, the Chancellor's Office of the California*
19 *Community Colleges, the University of California, and the*
20 *California State University shall each develop and maintain a*
21 *three-year plan for the implementation, maintenance, and use of*
22 *the identifiers. Annually, on or before April 1, each segment shall*
23 *provide a progress report to the Legislature.*

24 10803. **(a)** *The Legislative Analyst's Office shall convene a*
25 *staff working group that includes bipartisan representation from*
26 *both houses of the Legislature, and representation from the*
27 *administration, the Superintendent, the Chancellor's Office of the*
28 *California Community Colleges, the University of California, and*
29 *the California State University.*

30 **(b)** *The working group shall make recommendations related to*
31 *the governance of education data, including, but not limited to,*
32 *the organizational structure of the governing entity, its relationship*
33 *to other agencies, the scope of its authority and responsibilities,*
34 *methods for holding the governing entity accountable, and methods*
35 *for ensuring that the work of the governing entity primarily serves*
36 *the purposes of continuous educational improvement at the same*
37 *time as ensuring the privacy of data under its charge.*

38 **(c)** *The Legislative Analyst's Office shall coordinate the efforts*
39 *of this working group with those of any other working group*

1 *convened pursuant to law for the purpose of examining privacy*
2 *issues related to pupil record information.*

3 *(d) The Legislative Analyst's Office shall report the*
4 *recommendations of the working group convened pursuant to this*
5 *section to the Legislature by June 1, 2009.*

6 *10804. (a) The State Chief Information Officer appointed*
7 *pursuant to Section 11545 of the Government Code shall convene*
8 *a group representing the Superintendent, the Chancellor's Office*
9 *of the California Community Colleges, the University of California,*
10 *the California State University, any other governmental entities*
11 *that collect or report individual pupil education data that would*
12 *become part of the comprehensive education data system, teachers*
13 *and faculty, education program providers, policymakers,*
14 *researchers, parents, and pupils.*

15 *(b) The group convened pursuant to this section shall create a*
16 *strategic plan that provides an overall structural design for the*
17 *education data system, for the interdepartmental data protocols*
18 *and procedures that would be necessary for this system, and for*
19 *specific procedures and policies that would be necessary to ensure*
20 *the privacy of pupil record information so as to meet both federal*
21 *requirements and the higher expectations of privacy held by the*
22 *state.*

23 *(c) The strategic plan shall do all of the following:*

24 *(1) Examine the design, implementation, and use of the*
25 *comprehensive longitudinal education data system that will link*
26 *data from prekindergarten through university education for the*
27 *purpose of creating a culture of continuous learning at the state*
28 *and local level.*

29 *(2) Examine the protocols and procedures to be used by state*
30 *agencies in data processing, including, but not limited to,*
31 *collecting, storing, manipulating, sharing, retrieving, and releasing*
32 *data so as to enable each state agency to accurately and efficiently*
33 *collect and share data with the other state agencies.*

34 *(3) Examine the procedures and policies that would be necessary*
35 *to ensure the privacy of pupil record information.*

36 *(4) Draw on previous reports and recommendations related to*
37 *improving the education data of the state, including, but not limited*
38 *to, the recommendations reported by the Legislative Analyst's*
39 *Office pursuant to Section 10803. Previous reports and*

1 *recommendations shall be used to frame and guide discussion*
2 *during the development of the strategic plan.*

3 *(5) Be delivered by the State Chief Information Officer to the*
4 *Legislature and Governor on or before September 1, 2009.*

5 *(d) By January 1, 2010, the State Chief Information Officer*
6 *shall complete a feasibility study report analyzing the feasibility*
7 *of, and mechanisms for, developing the system architecture for a*
8 *comprehensive, longitudinal state education data system linking*
9 *data from prekindergarten through university education. The*
10 *feasibility study report shall be informed by the strategic plan*
11 *developed pursuant to this section.*

12 *10805. In meeting the requirements of this chapter, state*
13 *agencies, local educational agencies, and the officers and*
14 *appointees of those agencies shall consider and comply with state*
15 *and federal privacy law, and ensure that the highest, appropriate*
16 *security protections are in place in order to provide the maximum*
17 *protection of pupil privacy.*